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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 BURK N. ASHFORD,

12 Plaintiff,

13 vs.

13 GOEPPINGER-CURRAN DEVELOPMENT
14 LLC, et al.,

15 Defendants.

CASE NO. 08cv949 WQH (RBB)

ORDER

16 HAYES, Judge:

17 The matter before the Court is the “Request for Appointment of Counsel under the Civil Rights
18 Act of 1964, 42 U.S.C. 2000e 5(f)(1)” (Doc. # 14).

19 On May 29, 2008, Plaintiff Burk N. Ashford initiated this action by filing the Complaint (Doc.
20 # 1). The Complaint alleges claims for “real estate contract default.” *Complaint*, p. 1. On October
21 2, 2008, Plaintiff filed the Request for Appointment of Counsel. Plaintiff attests that he is self-
22 employed and earns “almost nothing” some months. Plaintiff attests that he has been unable to secure
23 the assistance of counsel. Plaintiff attests that his has \$367 in cash, but no other property, and lists
24 \$1,500 in monthly rental payments and over \$40,000.00 in debts.

25 Title VII of the Civil Rights Act of 1964 provides: “Upon application by the complainant and
26 in such circumstances as the court may deem just, the court may appoint an attorney for such
27 complainant and may authorize the commencement of the action without the payment of fees, costs,
28 or security.” 42 U.S.C. § 2000e-(5)(f)(1)(B). “[W]hile unquestionably possessing authority to appoint
counsel, a district court is certainly not obligated to appoint counsel in every employment

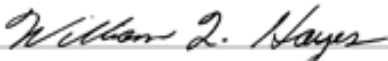
1 discrimination case. Rather, the determination is left to the sound discretion of the district court.”

2 *Johnson v. United States Dept. of Treasury*, 939 F.2d 820, 825 (9th Cir. 1991).

3 The Court has reviewed the Complaint, and concludes that the Complaint does not allege
4 employment discrimination or any other claims under Title VII of the Civil Rights Act of 1964. The
5 Court also cannot conclude that Plaintiff’s likelihood of success on the merits is sufficient to warrant
6 counsel at this time. The Court declines to exercise its discretion to appoint counsel under 42 U.S.C.
7 § 2000e-(5)(f)(1).

8 IT IS HEREBY ORDERED that the “Request for Appointment of Counsel under the Civil
9 Rights Act of 1964, 42 U.S.C. 2000e 5(f)(1)” (Doc. # 14) is **DENIED**.

10 DATED: November 13, 2008

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12 **WILLIAM Q. HAYES**
13 United States District Judge
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